

ASSEMBLY BILL

No. 173

Introduced by Assembly Member Chavez

February 5, 2001

An act to amend and repeal Section 48007 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 173, as introduced, Chavez. Solid waste: fees.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each operator of a disposal facility in the state to pay a quarterly fee to the State Board of Equalization, as specified, for all waste disposed of at each disposal site. The fees are deposited in the Integrated Waste Management Account, which may expended by the board, upon appropriation for the Legislature, for specified purposes regarding the regulation of solid waste. Existing law requires that recycled materials and inert waste removed from the waste stream, and not disposed of in a solid waste landfill, not be included for the purpose of assessing specified fees. Existing law defines the term inert waste for the purposes of this provision, until January 1, 2002, as including the use, disposal, or placement of solely inert waste on property where surface mining operations are being conducted, or have been conducted previously, if the use, disposal, or placement is for purposes of reclamation. Existing law also defines the term “inert waste“, until January 1, 2002, as including only rock, concrete, brick, sand, soil, and cured asphalt.

This bill would delete the repeal of that definition of inert waste, thereby continuing the operation of the provisions pertaining to that definition indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48007 of the Public Resources Code, as
2 amended by Section 6 of Chapter 600 of the Statutes of 1999, is
3 amended to read:

4 48007. (a) Recycled materials and inert waste removed from
5 the waste stream and not disposed of in a solid waste landfill shall
6 not be included for the purpose of assessing fees imposed pursuant
7 to Section 48000.

8 (b) For purposes of this section, and only for the purpose of
9 determining whether fees shall be imposed pursuant to Section
10 48000, “inert waste removed from the waste stream and not
11 disposed of in solid waste landfills” includes the use, disposal, or
12 placement of solely inert waste on property where surface mining
13 operations, as defined in Section 2735, are being conducted, or
14 have been conducted previously, as long as the use, disposal, or
15 placement is for purposes of reclamation, as defined in Section
16 2733, pursuant to either of the following:

17 (1) A reclamation plan approved pursuant to Section 2774.

18 (2) For surface mining operations conducted prior to January
19 1, 1976, an agreement with a city or county, or a permit issued by
20 a city or county, that provides for a fill appropriately engineered
21 for the planned future use of the reclaimed minesite.

22 (c) For purposes of this section, “inert waste” means rock,
23 concrete, brick, sand, soil, and cured asphalt only. In addition, inert
24 waste does not include any waste that meets the definition of
25 “designated waste” as defined in Section 13173 of the Water Code
26 or “hazardous waste” as defined by Section 40141.

27 ~~(d) This section shall remain in effect only until January 1,~~
28 ~~2002, and as of that date is repealed, unless a later enacted statute,~~
29 ~~that is enacted before January 1, 2002, deletes or extends that date.~~

30 SEC. 2. Section 48007, as added by Section 7 of Chapter 600
31 of the Statutes of 1999 of the Public Resources Code, is repealed.

- 1 ~~48007. (a) Recycled materials and inert waste removed from~~
2 ~~the waste stream and not disposed of in a solid waste landfill shall~~
3 ~~not be included for the purpose of assessing fees imposed pursuant~~
4 ~~to Section 48000.~~
5 ~~(b) This section shall become operative on January 1, 2002.~~

